

## **REMARKS**

Claims 21-37 are pending in the application.

On page 2 of the Office Action, claims 21-23, 30 and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gutta in view of Danker.

On page 4 of the Office Action, claims 24-25, 28-29, 31 and 34-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Trajkovic in view of Danker.

On page 7 of the Office Action, claims 26-27 and 32-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Trajkovic in view of Danker, and in further view of Alexander.

Applicant respectfully traverses the rejection.

Independent claim 21 sets forth monitoring content viewed on a content viewing device by a user, determining, by a content recommendation engine, a content recommendation based on the monitored content viewed on the content viewing device by the user, detecting when a user initiates a channel change event on the content viewing device, providing the content recommendation to the content viewing device of the user in response to detecting a user initiating a channel change event on the content viewing device, the channel change event associated with the user selecting a channel on the content viewing device and allowing the user to selectively view on the content viewing device the recommended content or content of the selected channel, wherein the content recommendation is provided by the content recommendation engine to the content viewing device of user prior to allowing the user to view the content of the selected

channel on the content viewing device. Independent claims 24, 30 and 31 set forth similar elements.

Gutta fails to disclose providing content recommendation to the device when a channel change event is detected.

Rather, Gutta merely discloses monitoring shows that are watched by a user and shows that are not watched by a user. The monitoring device records time, date, duration, channel, rating, title and genre of a given program. However, Gutta does not detect when a channel change event occurs. Gutta also fails to provide content recommendation when the channel change event occurs.

Gutta also fails to disclose allowing the user to selectively view recommended content or content of the selected channel. Gutta only teaches that the time, date, duration, channel, rating, title and genre of a given program being watched by a user is monitored. Gutta does not even mention detecting the changing of a channel. Thus, Gutta does not suggest allowing the user to selectively view recommended content or content of the selected channel.

Still further, Gutta fails to disclose that the content recommendation is provided to the user prior to allowing the user to view the content of the selected channel. Again, Gutta simply monitors the time, date, duration, channel, rating, title and genre of a given program being watched by a user and builds a decision tree. The decision tree is used to provide recommendations to a user. However, Gutta does not mention providing the

program recommendation prior to allowing the user to view the content on a channel that the user is switching to.

Thus, Gutta fails to disclose, teach or suggest the invention as defined in independent claims 21, 24, 30 and 31, as amended.

Danker fails to remedy the deficiencies of Gutta. Danker merely discloses monitoring a viewing device for the occurrence of a specific event, such as a channel change. Danker discloses that when the event is detected, a user is notified of the availability of video on demand content related to the channel or program the user is watching.

Accordingly, Danker fails to disclose providing content recommendation to the device when a channel change event is detected. Instead, Danker merely discloses detecting a change of a channel and then presents the user with a related video-on-demand program. However, if a video-on-demand program that meets the matching criteria is not available, or if the channel change is to a channel that does not offer video-on-demand, the user is not presented with a prompt. Thus, Danker does not provide content recommendation, but rather solicits users to watch video-on-demand.

Danker also fails to disclose allowing the user to selectively view recommended content or content of the selected channel. Danker only prompts the user about video-on-demand. Danker does not mention the user being able to selectively view any content.

Still further, Danker fails to disclose that the content recommendation is provided to the user prior to allowing the user to view the content of the selected channel. Again,

Danker simply monitors the device for a change of channel and, in response, prompts the user for a video-on-demand purchase. However, Danker does not mention providing the program recommendation prior to allowing the user to view the content on a channel that the user is switching to. In fact, depending upon whether a video-on-demand program that meets the matching criteria is not available or whether the channel change is to a channel that does not offer video-on-demand, Danker may not provide anything to the user before the channel is changed.

Thus, Gutta and Danker, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 21, 24, 30 and 31, as amended.

Trajkovic fails to remedy the deficiencies of Gutta and Danker. Trajkovic merely discloses providing recommendations to viewers based on the past viewing patterns of a group of viewers that are physically present in front of the television. However, Trajkovic fails to disclose providing content recommendation to the device when a channel change event is detected. Trajkovic does not even mention detecting the changing of a channel.

Trajkovic also fails to disclose allowing the user to selectively view recommended content or content of the selected channel. Rather, Trajkovic merely builds a profile based on a group of viewers and makes a recommendation based upon that profile. However, Trajkovic fails to mention allowing a user to selectively view recommended content or content of the selected channel.

Still further, Trajkovic fails to disclose that the content recommendation is provided to the user prior to allowing the user to view the content of the selected channel. Again, Trajkovic simply provides recommendations to viewers based on the past viewing patterns of a group of viewers that are physically present in front of the television. However, Trajkovic does not mention providing the program recommendation prior to allowing the user to view the content on a channel that the user is switching to.

Thus, Gutta, Danker and Trajkovic, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 21, 24, 30 and 31, as amended.

Alexander fails to remedy the deficiencies of Gutta, Danker and Trajkovic. Alexander merely discloses detecting a change in a system state that is the activation of a device.

Alexander fails to remedy the deficiencies of Gutta and Danker. Alexander merely discloses recording the viewer's actions and the circumstances surrounding those actions to develop a profile. However, Alexander fails to disclose providing content recommendation to the device when a channel change event is detected. Alexander does not even mention detecting the changing of a channel.

Alexander also fails to disclose allowing the user to selectively view recommended content or content of the selected channel. Rather, Alexander records the user's actions but only uses the user's actions to build the profile of the user, not to initiate the display of a content recommendation. Thus, Alexander fails to mention

allowing a user to selectively view recommended content or content of the selected channel.

Still further, Alexander fails to disclose that the content recommendation is provided to the user prior to allowing the user to view the content of the selected channel. Again, Alexander fails to disclose that the content recommendation, displayed in response to the detection of the channel change event, is provided to the user prior to allowing the user to view the content of the selected channel. Alexander merely describes the displaying of an ad in a window. However, Alexander does not mention providing the program recommendation prior to allowing the user to view the content on a channel that the user is switching to.

Thus, Gutta, Danker, Trajkovic and Alexander, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 21, 24, 30 and 31, as amended.

Dependent claims 22-23, 25-29 and 32-37 are also patentable over the references, because they incorporate all of the limitations of the corresponding independent claims 21, 24 and 31, respectively. Further dependent claims 22-23, 25-29 and 32-37 recite additional novel elements and limitations. Applicants reserve the right to argue independently the patentability of these additional novel aspects. Therefore, Applicants respectfully submit that dependent claims 22-23, 25-29 and 32-37 are patentable over the cited references.

U.S. Patent Application Serial No. 10/552,784  
Amendment dated May 7, 2010  
Reply to Office Action of December 7, 2009  
Atty Docket No.: 60136.0105USWO

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 865-380-5976. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 13-2725 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

Merchant & Gould  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
(865) 380-5976



By: \_\_\_\_\_

A handwritten signature in dark ink, appearing to read "David W. Lynch", written over a horizontal line.

Name: David W. Lynch  
Reg. No.: 36,204